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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,678	12/13/2001	Geoffrey B. Rhoads	P0509	9753

23735 7590 07/27/2005

DIGIMARC CORPORATION  
9405 SW GEMINI DRIVE  
BEAVERTON, OR 97008

EXAMINER

NAKHJAVAN, SHERVIN K

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/017,678	RHOADS ET AL.	
	Examiner	Art Unit	
	Shervin Nakhjavan	2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-13, 15, 16 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-13, 15, 16 and 25-29 is/are allowed.
- 6) ☒ Claim(s) 30 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/21/02</u>   | 6) <input type="checkbox"/> Other: ____.                                    |

***Request For Continued Examination***

1. The RCE filed on 7-12-04 has been entered.

***Information Disclosure Statement***

2. The IDS filed on 7-12-04, 9-23-04, 3-221-05 and 5-9-05 has been considered.

***Terminal Disclaimer***

3. The terminal disclaimer filed on 5-19-05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of full statutory term of U.S. Patent No. 6,590,997 and any patent issuing from U.S. Patent Application No. 10/617,571 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanota et al. (US 5,991,500).

Regarding claim 30, Kanota teaches limitation of claim 30, a method of controlling use of video content comprising: receiving video (Column 7, Lines 65-67); detecting steganographically embedded signal in the video (Column 7, Lines 65-67, wherein the S1 is steganographically superposed as discussed in Column 4, Line 60

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through Column 5, Line 10, wherein the S1 and S2 are superposed into non-picture data portion of the video and are hence imperceptible); checking out of band data related to the embedded signal (Column 7, Lines 65-67, wherein S2 is the detected out of band or out of range of the picture signal data in vertical blanking as discussed in column 4, Line 60 through Column 5, Line 10 which is related to S1 in a sequential relationship of figure 22 which states that once S1 is detected, then S2 is determined); and controlling use of the video based on the foregoing (Figure 22, Items 103, 105 and 17 are the use controlling features of video receiver);

Kanota teaches limitation of claim 31, In a consumer electronic apparatus that processes video, an improvement comprising a processor for detecting information steganographically embedded in said video, and for checking said detected information for expected correspondence with associated information conveyed with said video but not representing visual information (Figure 22, S1 is the steganographically embedded data into the video signal as discussed above which is the copyright information data, S2 is the reproducing information data or associated information conveyed in the video signal which is also imperceptible and upon reproducing the video signal, the S1 state has to correspond in the step 101 to be S1=1 in order of the program to advance into step 104 which is the reproduction step or S2 state determination).

***Allowable Subject Matter***

5. The following is an examiner's statement of reasons for allowance: claims 2-13, 15-16 and 25-29 are allowed because, the prior art of record specifically Aijala et al. (US

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5,579,124) does not teach steganographically embedding of picture element data of the received video signal and reading said non-picture data and checking for correspondence between the information data in the non-picture data and the embedded data in the picture element portion of claim 28 combined with other features and elements of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Other prior art cited***

6. Prior art of record cited and not relied upon is considered pertinent to applicant's disclosure.

The US Patent 5,579,124 is also an applicable reference to claims 31 and 32, wherein the identification information is embedded in the audio portion of the video which is imperceptible and the additional information is also embedded in the bands other than video or other than where the identification information is embedded in the audio range.

***Contact information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shervin Nakhjavan whose telephone number is (571) 272-7395. The examiner can normally be reached on Monday through Friday from 8:00 am to 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Mancuso, can be reached at ((571) 272-7695.

**Any response to this action should be mailed to:  
Commissioner for Patents**

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**P.O. Box 1450  
Alexandria, VA 22313-1450**

**Or faxed to:**

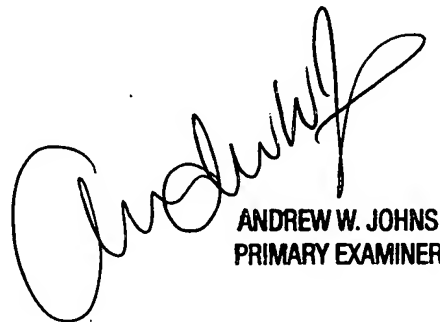
**(571) 273-8300** for *formal* communications,

**Hand delivered responses:** (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.)

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Randolph Building  
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Alexandria, VA 22314**

Any inquiry of a general nature or relating to the status of this application should be directed to the Tech center 2600 customer service office **(571) 272-2600**.

Shervin Nakhjavan *S.N*  
Patent Examiner  
Group Art Unit 2621  
July 20, 2005



**ANDREW W. JOHNS  
PRIMARY EXAMINER**